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Attorney Docket No.: 22058-560CIP4DIV3CON (GI5232D) 1646 Image

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Lih-Ling Lin, *et al.*
SERIAL NUMBER : 09/989,350
EXAMINER : J. Ulm
FILING DATE : November 20, 2001
ART UNIT : 1646
FOR : Novel TNF Receptor Death Domain Ligand Protein and Inhibitors of Ligand Binding

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

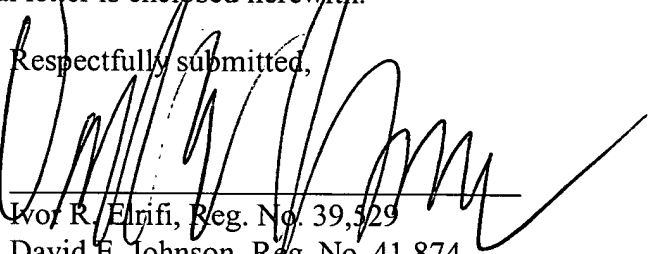
1. Response to October 1, 2003 Office Action (2 pages);
2. Exhibit A (1 page); and
3. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 22058-560 CIP4DIV3CON. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

Dated: November 3, 2003


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Lih-Ling Lin et al.
SERIAL NUMBER: 09/989,350 EXAMINER: John Ulm
FILING DATE: November 20, 2001 ART UNIT: 1646
FOR: NOVEL TNF RECEPTOR DEATH DOMAIN LIGAND PROTEIN AND
INHIBITORS OF LIGAND BINDING

Assistant Commissioner for Patents
Washington, D.C. 20231

Response to October 1, 2003 Office Action

In response to the Office Action mailed October 1, 2003, Applicant elect with traverse the invention of Group VIII, which is drawn to an antibody which binds to a polypeptide having the amino acid sequence of SEQ ID NO:16.

Applicants' traverse is on the basis that no undue burden is presented by simultaneously considering the patentability of antibodies to polypeptide with at least SEQ ID NOs: 2, 4, 10, 12, 14, 16, and 18. The United States Patent and Trademark Office has already determined that polypeptides comprising the amino acid sequences of are patentable. US Patent No. 5,843,675 (which issued from parent application USSN 08/602,228) includes claims to polypeptides that include the amino acid sequence of SEQ ID NOs: 2, 12, and 16. US Patent No. 5,852,173 (which issued from parent application USSN 08/533,901) has claims to polypeptides that include the amino acid sequence of SEQ ID NOs: 4 and 14. US Patent No. 5,891,675 (which issued from parent application 08/839,032) has claims to a polypeptide that include the amino acid sequence of SEQ ID NO:10 and SEQ ID NO:18. Because polypeptides with these sequence have been

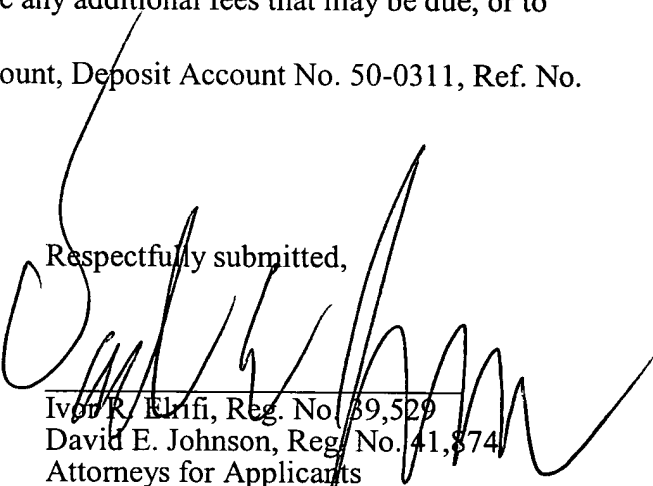
found patentable, antibodies to these polypeptides should likewise be patentable over the prior art.

In the alternative, Applicants traverse and request that at least groups Group I (drawn to an antibody that binds to a polypeptide having the amino acid sequence of SEQ ID NO:2) and Group VI I (drawn to an antibody that binds to a polypeptide having the amino acid sequence of SEQ ID NO:12) be rejoined with Group VIII. The polypeptide sequences of SEQ ID NOs:2 and 12 are smaller polypeptide sequences found within SEQ ID NO:16 (see Exhibit A, attached). Therefore, a search of the subject matter of Group VIII will necessarily encompass the subject matter of Group I and Group II.

The Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Ref. No. 22058-560CIP4DIV3CON.

November 3, 2003

Respectfully submitted,


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